

LIBELED: 3-30-59, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, insect fragments, and insect webbing while held for sale.

DISPOSITION: 5-25-59. Default—destruction.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

25383. Cocoa beans. (F.D.C. No. 42786. S. No. 34-944 P.)

QUANTITY: 345 150-lb. bags at Elizabethtown, Pa.

SHIPPED: 11-19-58 and 11-26-58, from New York, N.Y.

LIBELED: 1-14-59, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-27-59. Consent—claimed by Klein Chocolate Co., Elizabethtown, Pa. Segregated; 2,830 lbs. destroyed.

25384. Instant chocolate-flavored mix. (F.D.C. No. 42660. S. No. 40-248 P.)

QUANTITY: 620 cases, 12 1-lb. cans each, at San Francisco, Calif.

SHIPPED: 10-10-58 and 12-16-58, from Milwaukee, Wis., by Robert A. Johnston Co.

LABEL IN PART: (Can) "Johnston Instant Chocolate Flavored Mix."

LIBELED: 1-20-59, N. Dist. Calif.

CHARGE: 403(a)—when shipped, the label statements "Instant Chocolate," "Chocolate Soda," and "Chocolate Shake" were false and misleading as applied to an article containing no chocolate; and 403(f)—the words "Flavored Mix" as part of the common or usual name of the article required by 403(i)(1) to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with the words "Instant Chocolate") as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 3-20-59. Consent—claimed by Robert A. Johnston Co. and relabeled.

CONFECTIONERY

25385. Candy. (F.D.C. No. 42449. S. Nos. 20-000 P, 21-046 P, 22-038/9 P.)

INFORMATION FILED: 3-19-59, W. Dist. Mo., against Dye Candy Co., a corporation, Kansas City, Mo.

SHIPPED: 10-16-58 and 10-22-58, from Missouri to Kansas and Oklahoma.

LABEL IN PART: "WOOLWORTH'S CLUSTERS PURE AND WHOLESOME NET WEIGHT 5 OZ."; "DYE CANDY CO. FRESH CANDY * * * CHOC. TOR-TELS"; "DYE'S PEANUT BRITTLE NET WT. 16 OZ."; and "DYE'S PECO FLAKE NET WT. 12 OZ."

CHARGE: 402(a)(3)—contained insects, insect parts, and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-1-59. Corporation—fined \$400, plus costs.

25386. Candy. (F.D.C. No. 42783. S. Nos. 44-075/6 P.)

QUANTITY: 23 cases, 24 boxes each, at Allendale, S.C.